

## **Exhibit 51**

At IAS Part 53 of the Supreme Court of the State of New York, held in and for the County of New York, at the Courthouse, located at 60 Centre Street, New York, New York on the 26th day of June, 2014

PRESENT:

Honorable CHARLES E. RAMOS, J.S.C.,

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E-FILED AS DOC.NO. 850

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ORCHARD HOTEL, LLC,

Plaintiff,

-against-

D.A.B GROUP LLC, CAVA CONSTRUCTION & DEVELOPMENT, INC., FLINTLOCK CONSTRUCTION SERVICES LLC, JJ K MECHANICAL INC., EDWARD MILLS & ASSOCIATES, ARCHITECTS PC, CASINO DEVELOPMENT GROUP, INC., CITYWIDE CONSTRUCTION WORKS INC., EMPIRE TRANSIT MIX INC., MARJAM SUPPLY CO., INC., ROTAVELE ELEVATOR INC., SMK ASSOCIATES INC., FJF ELECTRICAL CO. INC., CITY OF NEW YORK, NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE, and JOHN DOE #1 through JOHN DOE #100, the last 100 names being fictitious and unknown to plaintiff, the persons, or parties intended being the tenants, occupants, persons or corporations, if any, having or claiming an interest in or lien upon the premises described in the complaint,

Index No. 850044/2011

*MS#017*

[PROPOSED] ORDER EXPANDING  
~~THE POWERS OF RECEIVER~~

Defendants.

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Upon the reading and filing of the summons, complaint and notice of pendency filed herein on July 1, 2011, the Affirmation of Simon Miller, as Receiver, dated June 24, 2014, together with exhibits annexed thereto, and due proof having been presented that expanding the powers of the Receiver is necessary to protect the property that is the subject of this mortgage

foreclosure action, 139-141 Orchard Street, New York, New York (the "Mortgaged Property"); and

**WHEREAS**, by Order dated July 18, 2011, Simon Miller was appointed as Receiver, for the benefit of the Plaintiff, with the usual powers and directions to protect the status quo and preserve the value of the Mortgaged Property during the pendency of this foreclosure action;

**NOW**, on motion of Simon Miller, as Receiver for the Mortgaged Property,

**IT IS ORDERED**, that ~~the powers of Simon Miller, as Receiver, are expanded as authorized herein;~~

1. The July 18, 2011 Order is hereby modified to provide that the Receiver is authorized to take all necessary, reasonable and appropriate action to protect the Mortgaged Property's zoning entitlements and building permits, including, without limitation, (a) proceeding with the construction and development of the Mortgaged Property, (b) retaining Richter+Ratner to act as general contractor for the construction and development of the Mortgaged Property, (c) authorizing Richter+Ratner to retain all subcontractors and/or architectural consultants or such other qualified consultants as are necessary and appropriate in order to safeguard the Mortgaged Property, maintain the current building permits and to proceed with the construction and development of the Mortgaged Property, as necessary;

2. The Receiver is authorized to retain the law firm of Blank Rome, LLP to provide legal counsel to him with respect to matters relating to the foregoing; and it is further

**FURTHER ORDERED**, that Blank Rome, LLP shall be paid directly by the Plaintiff for services provided to the Receiver.

It is further ordered that all moneys advanced by Plaintiff pursuant to this Order shall be deemed protective advances and secured by the mortgages-in-suit. ENTER:



HON. CHARLES E. RAMOS, J.S.C.